

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CRW MECHANICAL CONSULTING AND
FABRICATION, LLC, a limited liability
company,

Plaintiff,

vs.

AARON F. SANDINE, an individual, and AFS
FABRICATION, LLC, a limited liability
company,

Defendants.

8:19CV407

**ORDER DIRECTING ENTRY OF
DEFAULT AND SETTING DEADLINE
TO RESPOND TO MOTION FOR
DEFAULT JUDGMENT**

AARON SANDINE,

Plaintiff,

vs.

CRW MECHANICAL CONSULTING AND
FABRICATION, LLC,

Defendant.

8:19CV470

**ORDER DIRECTING ENTRY OF
DEFAULT AND SETTING DEADLINE
TO RESPOND TO MOTION FOR
DEFAULT JUDGMENT**

These cases are before the Court on Aaron Sandine's Motions for Default Judgment. Case No. 8:19cv407, Filing 90; Case No. 8:19cv470, Filing 53. The Motions state that CRW Mechanical has not obtained the appearance of counsel on its behalf by the deadline of August 1, 2022, as required by Court Order, Case No. 8:19cv407, Filing 87; Case No. 8:19cv470, Filing 50. The Motions request that the Court enter an order in each case defaulting CRW Mechanical and that

the Court provide direction on how Sandine's damages should be presented to the Court. Case No. 8:19cv407, Filing 90 at 1; Case No. 8:19cv470, Filing 53 at 1.

As Sandine recognizes, in each case, on July 8, 2022, Magistrate Judge Bazis entered an order allowing CRW Mechanical's counsel to withdraw but advising CRW Mechanical that limited liability companies cannot litigate in this forum without representation by licensed counsel; advising CRW Mechanical that failure to have representation could result in the entry of default judgment; and setting a deadline of August 1, 2022, for CRW Mechanical to have substitute counsel enter a written appearance. No. 8:19cv407, Filing 87 at 1; No. 8:19cv470, Filing 50 at 1–2. Substitute counsel did not appear in either case by the deadline.

Rule 55(a) of the Federal Rules of Civil Procedure requires the entry of default by the Clerk of Court before Rule 55(b) allows the Clerk or the Court to enter default judgment. Fed. R. Civ. P. 55(a), (b). The Clerk must enter default when a party “has failed to plead or otherwise defend” and “that failure is shown by affidavit or otherwise.” Fed. R. Civ. P. 55(a). The Court concludes that the record shows (“otherwise” than by affidavit) that CRW Mechanical has failed to “otherwise defend” by failing to obtain the appearance of substitute counsel by the deadline. *Id.* Under these circumstances, the Court directs the Clerk of Court to enter CRW Mechanical's default upon the record in each case pursuant to Rule 55(a). The Court also deems it appropriate to set the deadline for any response to Sandine's Motions from the date of this Order. The Court will address in a subsequent order how damages are to be presented to the Court to effectuate judgment, if the Court enters default judgment pursuant to Rule 55(b)(2).

Upon the foregoing,

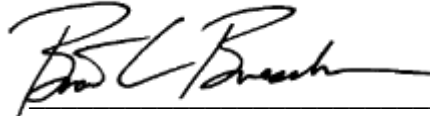
IT IS ORDERED that

1. The Clerk of Court is directed to enter CRW Mechanical's default upon the record in Case No. 8:19cv407 and Case No. 8:19cv470 pursuant to Rule 55(a) of the Federal Rules of Civil Procedure; and

2. Any response to Aaron Sandine's Motions for Default Judgment must be filed in each case not later than August 25, 2022, or default judgment shall be entered pursuant to Rule 55(b)(2) on August 26, 2022.

Dated this 4th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge